

HOUSE BILL 1067

By Rich

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to criminal penalties and
procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 12, is amended by adding
Sections 2 and 3 of this act as a new part.

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "Acting in concert", as used in this section, means such conduct that would
make one criminally responsible pursuant to § 39-11-401, § 39-11-402, or § 39-11-403;
and

(2) "Crime of force or violence" means any of the following felony offenses:

(A) Criminal attempt to commit first degree murder as defined in § 39-12-
101 and § 39-13-202;

(B) Aggravated rape as defined in § 39-13-502; or

(C) Carjacking as defined in § 39-13-404.

SECTION 3.

(a) A crime of force or violence committed while acting in concert with two (2) or
more other persons shall be classified one (1) classification higher than if it was
committed alone if the victim or victims of the crime know or reasonably should know
that at least three (3) people participated in the commission of the crime. A Class A
felony committed while acting in concert with two (2) or more other persons shall be
classified as a Class A felony; provided however, the presumptive sentence shall be the
maximum within the range.

(b) The indictment shall charge that the offense was committed while acting in concert with two (2) or more other persons.

SECTION 4. If any provision of this act or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect January 1, 2012, the public welfare requiring it.